

REMARKS

The present amendment is in response to the Office Action dated June 9, 2004. Claims 1-19 are now present in this case. Claims 1, and 3-17 are amended. New claims 18 and 19 are added.

The Examiner will kindly note that representation in this matter has been transferred to another attorney. A revocation/substitute power of attorney will be filed in the near future. A change of address and request to amend the attorney docket number are enclosed herewith.

The applicants wish to express their appreciation for the Examiner's indication that claims 3 and 4 would be allowable if rewritten in independent form and amended to overcome the rejection under 35 U.S.C. § 112. Claims 3 and 4 have been rewritten in accordance with the Examiner's request and are now in condition for allowance. Such allowance is respectfully requested.

The applicants express their appreciation to the Examiner for the detection and correction of claim numbering. It should be noted that renumbered claims 5, 6, 8-10, 12, 14, and 16 are amended only to correct the claim misnumbering.

The office action objected to claim 1 due to an informality. The informality has been corrected by amendment and the applicants kindly request the withdrawal of the objection.

Claims 4, 7 and 17 stand rejected under 35 U.S.C. § 112, second paragraph as lacking a proper antecedent basis. These claims have been amended. Accordingly, the applicants kindly request that the rejection of these claims under 35 U.S.C. § 112 be withdrawn.

Claims 1, 2, 5, 6, 11, 13, 15, and 17 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,160,880 to Allen. The applicants respectfully disagree with the assessment of Allen and its applicability to the claimed invention. Allen discloses a system in which a switch is remotely activated by placing a call on the communication line itself. The ring signal voltage activates a relay. (See column 7, lines 40-58.) Allen does not teach or suggest the use of a control signal

independent of the switch communication lines, as required in independent claims 1, 11, 13, 15, and 17. Support for this feature is found in specification at page 8, paragraph 21. In the example embodiment described therein, control signal lines 250, 255 carry control signals that switch communication lines 265, 268 from the incumbent provider to the alternative provider. It should be noted that the control signal lines are independent of communication lines 265, 268. As noted above, the communication lines in Allen are switched from one provider to another by placing a call on the communication lines themselves. Accordingly, claims 1, 11, 13, 15, and 17 are clearly allowable over Allen. Dependent claims 2, 5, and 6 are likewise allowable over Allen in view of the fact that they depend from claim 1, and further in view of the recitation in each of those claims.

Claims 7-10, 12, 14, and 16 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Allen and U.S. Patent No. 6,657,994 to Rajakarunanayake. The applicants respectfully disagree with the assessment of these references and their applicability to the claimed invention. As discussed above, Allen does not teach or suggest remote control of a network interface device or switching element that utilizes control signals independent of the switched communication lines as required by the above-referenced independent claims. Rajakarunanayake does not cure the deficiencies in Allen. In Rajakarunanayake, a switch from an incumbent service provider to an alternative service provider is either done automatically by a client's on-premise equipment (e.g., a DZ-CPE 110, 410) or via the alternate provider's communication lines (e.g., DSL loop 118). (See Rajakarunanayake at column 9, lines 13-33.) Thus, independent claims 1, 11, 13, 15, and 17 are allowable over the combination of Allen and Rajakarunanayake. Accordingly, dependent claims 7-10, 12, 14, and 16 are allowable in view of the fact that they depend from allowable independent claims, and further in view of the recitation within those individual claims.

New claim 18 is also in condition for allowance. As noted above with respect to other independent claims, Allen does not teach or suggest the use of a control line to provide a control signal. Claim 18 recites first and second communication links coupled to the first and second service providers, respectively. Claim 18 further

recites "a control line coupled between the network interface device and the second service provider." Claim 18 further recites "circuitry within the network interface device configured to receive a control signal from the second telephone service provider via the control line, the circuitry responsive to the received control signal to switch the user communications device from the first communication link to the second communication link whereby voice communications surface for the user via the user communications device is changed from the first service provider to the second service provider." Allen does not teach or suggest a control line in addition to the first and second communication links. Rajakarunanayake does not overcome the deficiency of Allen with respect to Claim 18. Accordingly, Claim 18 is clearly allowable over the cited references. Claim 19 is also allowable in view of the fact that it depends from claim 18, and further in view of the recitation within the claim.

In view of the above amendments and remarks, reconsideration of the subject application and its allowance are kindly requested. If questions remain regarding the present application, the Examiner is invited to contact the undersigned at (206) 628-7640.

Respectfully submitted,

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